



Legislative Testimony
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**Written Testimony Supporting Senate Bill 1435, An Act Concerning
Mothers Who Are Incarcerated Breastfeeding Their Infant**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein,
and members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in Senate Bill 1435, An Act Concerning Mothers Who Are Incarcerated Breastfeeding Their Infant.

The ACLU-CT is an organization dedicated to ending mass incarceration, eliminating racial disparities in the criminal legal system, and reducing harms to justice-impacted people. Connecticut is the only state where the Department of Correction (DOC) oversees and operates its own system. Access to health care for incarcerated people is a constitutional right under the Eighth Amendment, extended to the states by the Fourteenth Amendment.¹ But the quality of care for incarcerated people in Connecticut has been abysmal, contributing to poor health outcomes for incarcerated people and returning citizens. One study estimated that each year in prison takes two years off a person's life expectancy.² Mass incarceration disproportionately hurts Black and brown communities: six cities are home to more than half of the state's incarcerated population but make up only 17 percent of the state's total population.³ And we already know that life expectancy in Connecticut varies dramatically by community: the average life expectancy in the state is 78.4 years old, but a person's

¹ See *Estelle v. Gamble*, 429 U.S. 97, 103 S. Ct. 285 (1976) (finding that delayed medical treatment as punishment was violative of the Eighth amendment if they are incompatible with "the evolving standards of decency that mark the progress of a maturing society" or "involve the unnecessary and wanton infliction of pain.").

² Emily Widra, *Incarceration Shortens Life Expectancy*, PRISON POLY INITIATIVE (June 26, 2017), https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/.

³ Emily Widra, et al., *Where People in Prison Come From: The Geography of Mass Incarceration in Connecticut*, PRISON POLY INITIATIVE (Oct. 2022), <https://www.prisonpolicy.org/origin/ct/2020/report.html>.

life expectancy in Northeast Hartford drops sharply to 68.9 years.⁴ Just one town over, in West Hartford, a person's life expectancy is 84.6 years.⁵ Connecticut has paid out millions of dollars in lawsuits stemming from medical negligence and malpractice with the DOC.⁶ At the same time, DOC has failed to maintain an adequate number of medical staff to ensure that people get quality, individualized care. In March 2019, the DOC reported a ratio of one nurse on staff for every 43 incarcerated person and one doctor on staff for every 579 incarcerated person according to the Office of Fiscal Analysis.⁷

Supporting breastfeeding parents helps all people in Connecticut to continue to participate fully in society. Protecting the right to breastfeed is a fundamental reproductive decision and a matter of reproductive justice. How and when a person feeds their baby is a critical and personal decision about their body and family—one that should not be dictated by an employer. The right to breastfeed is not worth much if a person is prevented, by their lived reality, from exercising it. Numerous barriers still exist to breastfeeding, particularly for low-wage workers and Black and Latine people.⁸

Currently, in Connecticut prisons do not allow parents who are incarcerated to breastfeed their infants during visits. The American College of Obstetrics and Gynecology (ACOG), the American Academy of Pediatrics (AAP), and the National Commission on Correctional Health Care advocate for allowing parents who are incarcerated to breastfeed their children.⁹ Senate Bill 1435 would build on efforts to

⁴ *Dear Connecticut Residents: Your Neighborhood Might Determine How Long You'll Live*, CT Health (Sept. 13, 2018), <https://www.cthealth.org/latest-news/blog-posts/dear-connecticut-residents-your-neighborhood-really-does-determine-how-long-youll-live/#:~:text=In%20Northeast%20Hartford%2C%20the%20life.tops%20that%2C%20at%2084.6%20years.>

⁵ *Id.*

⁶ Angela Fortuna, *Settlement Reached in Federal Lawsuit About Conditions in Connecticut Prisons During COVID-19*, NBC CONN. (Mar. 29, 2021 at 2:49 PM), <https://www.nbcconnecticut.com/news/local/settlement-reached-in-federal-lawsuit-about-conditions-in-conn-prisons-during-covid-19/2284176/>.

⁷ *Appropriations Subcommittee Work Session 03/26/2019*, CONN. DEPT CORRECTIONS (Mar. 26, 2019), available at <https://assets.documentcloud.org/documents/6178958/DOC-appropriations-subcommittee-03-26-19.pdf>.

⁸ Katy B. Kozhimannil, et al., *Access to Workplace Accommodations to Support Breastfeeding After Passage of the Affordable Care Act*, 26 WOMEN'S HEALTH ISS. 6 (2016), <https://www.sciencedirect.com/science/article/abs/pii/S1049386715001176>.

⁹ See *Barriers to Breastfeeding: Supporting Initiation and Continuation of Breastfeeding*, ACOG Committee Opinion No. 821, AMERICAN COLLEGE OF OBSTETRICIANS & GYNECOLOGISTS (2021); *Breastfeeding in Correctional Settings*, NAT'L CONSORTIUM OF CORRECTIONAL MEDICINE (2023), <https://www.ncchc.org/position-statements/breastfeeding-in-correctional-settings-2023/>.

improve access to prenatal and postpartum support in Connecticut prisons. This state has a long way to go when it comes to improving access to quality health care for people incarcerated in Connecticut's prisons. But Senate Bill 1435 is a good beginning step by requiring the Commissioner of Correction to finally develop a written policy allowing lactating parents in DOC custody to breastfeed during any visit with their infant. The ACLU-CT recommends amending this bill to use gender inclusive pronouns when discussing breastfeeding parents, because transgender men and nonbinary parents are also capable of breastfeeding and deserve the same access as any other breastfeeding parent. Senate Bill 1030, An Act Concerning Breastfeeding in the Workplace, is a good example of gender inclusive language when it comes to breastfeeding. The ACLU-CT supports Senate Bill 1435 with our suggested amendment, and urges this Committee to do the same.